

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Michael E. Keefer
Parks et al.)	
)	Art Unit: 2154
Serial No.: 10/774,934)	
)	
Filed: 02/09/2004)	
)	
For: Client-Side Auto-Rediscovery)	
For Networked Devices)	
)	
Date of Examiner's Answer:)	Attorney Docket No.:
August 22, 2008)	200209339-1

REPLY BRIEF under 37 CFR §41.41

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
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I hereby certify that this six-page Reply Brief under 37 CFR §41.41 is being transmitted to the U.S. Patent and Trademark Office (USPTO) via the USPTO's Electronic Filing Service (EFS-Web) on this 22nd day of October, 2008.

By: _____

Mary Uthoff

Dear Sir:

This Reply Brief is timely provided within two months from the mailing date of the Examiner's Answer dated August 22, 2008

Reply

In response to the Examiner's Answer, dated August 22, 2008, Appellant respectfully submits the following reply as permitted under 37 CFR §41.41(a)(1). The Examiner's Answer contained no new grounds of rejection and the present reply contains no new amendment, affidavit or other evidence. Thus a formal Brief is not required. The present reply supplements Appellant's Appeal Brief in view of the Examiner's Answer.

The following sections address the Examiner's Answer starting on page 12 and section "(10) Response to Argument" as well as the initial rejections of the Final Office Action shown on pages 3-13.

I. Whether claim 26 is unpatentable under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.

The examiner has withdrawn the §101 rejection.

II. Whether claims 1-7 are unpatentable under 35 U.S.C. 102(b) as being anticipated by Roy et al.

Claim 1 recites:

a logic configured to determine whether the pairing data should be updated and to selectively update the pairing data.

Roy fails to teach or suggest the claimed logic. The rejection relies on paragraph [0009] of Roy and the list of devices shown in figure 7. However as conceded by the examiner, Roy teaches a user initiating a discovery process. Thus Roy fails to teach a logic that determines whether pairing data should be updated. Further, the discovery process merely creates a list of available devices. The discovery process broadcasts messages to see if other devices are listening by receiving responses from other devices (Roy, [0009] or [0025]). If a device

responds, its IP address is added to a linked list 90 only if the device is from a certain class (Roy [0026]). However, Roy teaches that it is looking for responses from devices that "are not already a member of the linked list." (Roy, [0027], lines 5-7) and "responder's IP address is added to the list 110, only if that IP address is not already found in the list (Roy, [0033], lines 2-3). Thus if an IP address of a device is already in the list, the address is not added and nothing is performed.

Conversely, claim 1 recites that logic "to selectively update the pairing data." The pairing data is claimed as "a pairing data that relates a service requesting networked device and a service providing networked device." As claim 1 recites, the pairing data is stored (e.g. it relates device A to device B), and then the data is selectively updated. Roy fails to teach these features because Roy teaches that when it performs discovery and if device B responds, Roy does not update the entry for device B. Rather, since device B already exists in the list, it will not be added again and no action is taken. Thus Roy only teaches adding new devices to a list and not updating pairing data as claimed.

Accordingly, one of ordinary skill in the art would understand that Roy does not update the existing device data from fig. 7 but only adds new devices as they respond. Figure 7 fails to teach the claimed pairing data and no updating of stored pairing data is taught or suggested.

Claim 1 describes an advantageous system because in networking, pairing data between two devices can become invalid (present specification, [0023]). The claimed system provides a novel way to update pairing data between two networked devices. Roy fails to address this problem. Suppose again that the stored pairing data relates device A and device B, and that the IP address of device B later changes. Roy teaches that after the user initiates a new discovery search, device B would respond with a new IP address. Roy would then simply

add the new IP address to its list because the IP address does not already exist in the list. However, Roy would not realize that device B already exists under a different IP address thus device B would be in the list under two different IP addresses. Roy fails to teach or suggest selectively updating pairing data as claimed and fails to anticipate the claim. The rejection should be reversed.

III. Whether claim 12 is unpatentable under 35 U.S.C. 102(b) as being anticipated by Roy.

Independent claim 12 recites means for performing weak and strong discovery. The rejection appears to be ignoring these claimed elements. MPEP 2143.03 specifically instructs examiners to consider every word in a claim:

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Accordingly, the rejection is improper for failing to consider all words in the claim. The rejection should be reversed. Furthermore as stated in the Appeal Brief, Roy fails to teach or suggest the recited means. Therefore, Roy fails to establish a prima facie anticipation rejection.

Additionally, claim 12 recites means for "selectively updating the pairing data based on the strong discovery." As explained under claim 1, Roy fails to teach or suggest selectively updating pairing data as recited in the claim. Therefore, Roy fails to establish a prima facie anticipation rejection.

IV. Whether claims 13, 15-29, and 31-36 are unpatentable under 35 U.S.C. 102(b) as being anticipated by Roy.

Independent claim 13 recites "selectively updating a pairing data that relates the first networked device and the second networked device based, at least in part, on the binding data." As explained under claim 1, Roy fails to teach or suggest selectively updating pairing data as recited in the claim. Roy merely adds devices to a list and fails to update pairing data. Therefore, Roy fails to establish a prima facie anticipation rejection and the rejection should be reversed.

Independent claim 26 recites a similar updating feature and is also not taught or suggested by Roy. Therefore, Roy fails to establish a prima facie anticipation rejection and the rejection should be reversed.

VI. Whether claims 10 and 30 are unpatentable under 35 U.S.C. 103(a) as being obvious over Wu in view of Roy

Independent claim 30 recites "selectively updating an IP address, MAC address pair stored on the first networked device to bind the first networked device and the second networked device." As explained under claim 1, Roy fails to teach or suggest selectively updating pairing data as recited in the claim. Roy merely adds devices to a list and fails to update pairing data. Therefore, Roy fails to support a prima facie rejection. Wu determines whether nodes in a network are active (col. 7, lines 17-39). Wu fails to teach or suggest selectively updating addresses to bind devices as claimed. Therefore, Wu combined with Roy fails to establish a prima facie obviousness rejection and the rejection should be reversed.

Appellant repeats all previous arguments for the remaining claims. A prima facie rejection has not been established for any claim.

Conclusion

Appellant respectfully maintains all previous arguments, which show the deficiencies in the rejections, along with the additional comments submitted herein. Accordingly, Appellant respectfully requests that the Board of Appeals overturn all rejections and allow all pending claims.

Respectfully submitted,



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